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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Zambia

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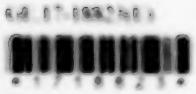

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Foreword

Zambia's commitment to uphold the protection and promotion of human rights is heightening. During the period under review, this was motivated by the amendment of the Constitution of Zambia by Parliament that followed a rigorous consultation process. Although the Bill of Rights which was subjected to a Referendum alongside the General Election of 2016 was not successful as it did not meet the required threshold, Zambia remains resolute on enhancing human rights for the well-being of all persons without distinction as to the race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

As part of its commitment to the protection and promotion of human rights, Zambia endeavoured to implement a number of recommendations which were agreed upon during the second cycle of the Universal Periodic Review.

Zambia's achievements in implementing some of the recommendations were complemented by the United Nations Systems which provided appropriate support within their areas of mandates. The Government, in conjunction with Civil Society Organisation, also carried out awareness campaigns that provided basic information about human rights in order to encourage all persons to be more proactive in claiming their human rights. However, Zambia was unable to meet some of the pledges the nation made due to completing needs.

In further advancement of human rights, Zambia has also pledged to continue addressing the outstanding challenges that may inhibit the fulfilment of human rights under the Seventh National Development Plan (7NDP: 2017-2021).

The third cycle of the Universal Periodic Review highlights the achievements on the implementation of the agreed recommendations from the second cycle and some of the strategies under the 7NDP for protection and promotion of human rights in Zambia.

Hon. Given Lubinda, M.P
Minister of Justice
Republic of Zambia

Acronyms

ACC:	Anti-Corruption Commission
CAT:	Convention Against Torture
CAMFED:	Campaign for Female Education
CSO:	Central Statistical Office
CSOs:	Civil Society Organisations
CESCR:	Committee on Economic, Social and Cultural Rights
DNA:	Deoxyribonucleic acid
DSW:	Department of Social Welfare
GBV:	Gender-Based Violence
GIDD:	Gender in Development Division
GRZ:	Government of the Republic of Zambia
HIV/AIDS:	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
HRC:	Human Rights Commission
IBA:	Independence Broadcasting Authority
ICC:	International Criminal Court
ICERD:	International Convention on the Elimination of All Forms of Racial Discrimination
ICCPR:	International Covenant on Civil and Political Rights
ICESCR:	International Covenant on Economic, Social and Cultural Rights
IOM:	International Organisation for Migration
ILO:	International Labour Organisation
JCC:	Judicial Complaints Commission
LCMS:	Living Conditions Monitoring Survey
LEA:	Law Enforcement Agencies
LIMS:	Land Information Management System
MLNREP:	Ministry of Lands, Natural Resources and Environmental Protection
MoF:	Ministry of Finance
OP-CAT:	Optional Protocol to the Convention Against Torture
OP-CEDAW:	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
OP-CRC-AC:	Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict
OP-CRC-SC:	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

OPIC:	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure
OP-ICCPR:	Optional Protocol to the International Covenant on Civil and Political Rights
NELMP:	National Employment and Labour Market Policy
NPA:	National Prosecution Authority
PLEED:	Program for Legal Empowerment and Enhanced Justice Delivery
PPCC:	Police Public Complaints Commission
SADC:	Southern Africa Development Community
7NDP:	Seventh National Development Plan
SI:	Statutory Instrument
SCTS:	Social Cash Transfer Scheme
SDG:	Sustainable Development Goals
STI/TB:	Sexually Transmitted Infection / Tuberculosis
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	United Nations Children's fund
UN:	United Nations
VSU:	Victim Support Unit
ZLDC:	Zambia Law Development Commission
ZP-CPU:	Zambia Police Child Protection Unit
ZCS:	Zambia Correctional Service
ZDHS:	Zambia Demographic and Health Survey
ZEMA:	Zambia Environmental Management Agency
ZPS:	Zambia Prisons Service

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I. Process for the preparation of the report

Introduction

1. This Universal Periodic Review (UPR) Report was prepared by the Government of the Republic of Zambia through the Ministry of Justice in line with Gazette Notice No. 836 of 2016. This Gazette Notice mandates the Ministry of Justice to deal with matters relating to human rights and governance.

2. The Human Rights Council of the United Nations passed resolution 16/21 which was adopted on 25 March 2011, to provide that the Universal Periodic Review (UPR) should focus on, among other things, the implementation of the accepted recommendations and developments of the human rights situations in the States under review. Therefore, in the second cycle of the Universal Periodic Review, recommendations were upheld by Zambia and this Report now aims to address the recommendations which were agreed upon in the second cycle of the Universal Periodic Review.

Methodology

3. In order to respond to the recommendations from the second cycle of the Universal Periodic Review, the Ministry of Justice conducted stakeholder consultations with government institutions and civil society organisations. Following the stakeholder consultations, all information was collated and compiled into a draft Report. Finally, a validation workshop was held where all stakeholders who were consulted in the initial stage were then invited to a five-day validation workshop to confirm the content of the draft Report and to provide updated information. The Report was then finalised by the Ministry of Justice and submitted to Cabinet for approval.

National follow-up process

4. During the period under review, Zambia had no standing coordinating body for implementation and reporting of the UPR activities. However, the Ministry of Justice in conjunction with key stakeholders assumed the role of monitoring related activities under the mandate of the Governance Sector Advisory Group through the National Development Planning.

Institutional consultations

5. The Government held a workshop through a joint programme with members of the Civil Society Organisations responsible for the promotion of human rights in Zambia in March 2017. The purpose of the workshop was to review the recommendations from the second cycle of the UPR, to raise awareness of the UPR process to the general public, and to reach consensus between the Government and CSOs for implementing the UPR.

Data/ information collection

6. The Ministry of Justice conducted desk reviews of the information which was in line with the agreed recommendations from the second cycle of the UPR. Further, the Ministry

of Justice requested various institutions to provide evidence-based information/ data on the progress made in implementing the corresponding recommendations on human rights.

Compilation of the report and validation

7. The information collected was compiled into a draft UPR Report. The draft UPR Report was then subjected to validation by relevant stakeholders, including Civil Society Organisations. All comments from the validation workshop were incorporated into the final report.

II. Implementation of recommendations from the previous cycles

Introduction

8. This part of the Report analyses recommendations that were supported by Zambia during the second cycle of the UPR and is divided into the following sections:

(a) Full implementation of recommendations;

(b) Partial implementation of recommendations;

(c) Pending recommendations;

(d) Noted recommendations;

(e) New and emerging issues;

(f) Status of implementation of voluntary pledges; and

(g) Challenges which would require the support of the international community.

9. The recommendations are further divided according to their respective thematic areas.

A. Full implementation of recommendations

1. Theme A28: Cooperation with other international mechanisms and institutions

Cooperation with the mechanisms of the United Nations

10. There is robust cooperation between the UN Systems and key stakeholders in the UPR process. The UNDP has supported awareness creation on UPR in all provinces. Whilst UNFPA has facilitated capacity building on sexual reproductive health and rights; and the UPR process.

Engagement with the United Nations Human Rights Office

11. Zambia's main engagements with the United Nations Human Rights Office have been through local interactions with UN agencies. In June 2015, a multi-stakeholder working group was created to advance public dialogue on the implications of the implementation of the Guiding Principles on Business and Human Rights and the roles that each private business organisation had to play in the process.

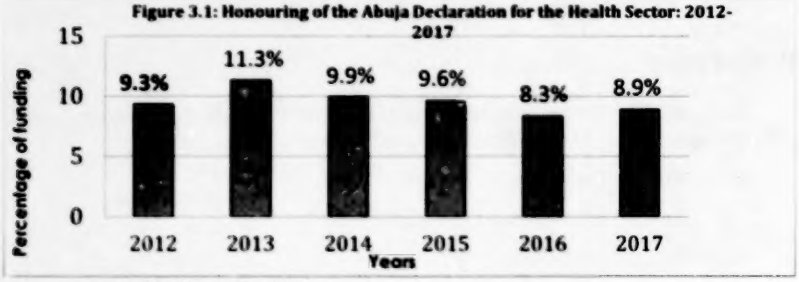
12. Other key engagements with the UN Human Rights Office relate to the visits by Special Rapporteurs. For instance, in April 2016, Zambia hosted the Special Rapporteur on the rights of persons with disabilities.

2. Theme A2A: Voluntary human rights goals and other commitments

Steps to honour its commitments under the Abuja Declaration with a view to provide adequate resources for the health sector

13. Zambia did not reach the threshold of 15% of budget allocation set to honour the Abuja Declaration for the health sector as shown in Figure 3.1. The highest percentage reached was 11.3 percent in 2013 while the lowest was 8.3 percent in 2016. The average of the trend for the period of analysis was 10.5 percent.

Figure 3.1: Honouring of the Abuja Declaration for the Health Sector: 2012-2017



Source: National Budget (Zambia)

3. Theme A41: Constitutional and legislative framework

Reviewing of national laws to bring them in line with international human rights obligations

14. Zambia has reviewed and formulated legislation in its efforts to align its domestic laws with international human rights obligations. During the period under review, the following national laws have been enacted:

(a) Persons with Disabilities Act No. 6 of 2012;

(b) Higher Education Act, 2013;

(c) Gender Equity and Equality Act No. 22 of 2015;

(d) Public Protector Act No. 15 of 2016;

(e) Passports Act No. 28 of 2016; and

(f) Refugees Law under Refugees Act No. 1 of 2017.

15. Zambia also enacted the Ratification of International Agreements Act No. 34 of 2016, which provides for the procedure for ratification and domestication of international agreements.

4. Theme A44: Structure of the national human rights machinery

Efforts to strengthen the national mechanism for the advancement of women

16. In fulfilling its obligation to promote and enhance the rights of women, Zambia has put in place legal, administrative and policy measures. Among these measures is the introduction of progressive clauses in the Constitution such as the establishment of the

Gender Equity and Equality Commission; enactment of enabling legislation (Gender Equity and Equality Act) which domesticates appropriate clauses of CEDAW; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; and SADC Protocol on Gender and Development.

17. Zambia has also established the coordinating Ministry (Ministry of Gender) and the formulation of the National Gender Policy; and introduced Focal Point Persons in all Ministries, Provinces and other Spending Agencies meant to strengthen the national mechanism for the advancement of women.

5. Theme A47: Good governance

Continue working on its capacity-building programme for good governance

18. Zambia has in place coordinated bodies which undertake capacity-building programs for good governance for legal enforcement agencies. Notable among such bodies are the following:

(a) Program for Legal Empowerment and Enhanced Justice Delivery (PLEED);

(b) Human Rights Organisations; and

(c) Civil Society Organisations.

19. In addition, the Government, in collaboration with the Human Rights Commission and CSOs conducts capacity building workshops in Human Rights, Gender and Development, and Psycho-Social Counselling.

Lobby for and implement access to information legislation to encourage greater transparency and government ability

20. During the period under review, Zambia reports that it has formulated the Freedom of Information Bill which now awaits to be enacted.

Establish or strengthen independent public accountability mechanisms which contribute to the fight against corruption

21. The following public accountability mechanisms exist in Zambia:

(a) Anti-Corruption Commission (ACC);

(b) Office of the Public Protector;

(c) Office of the Auditor General;

(d) National Assembly of Zambia; and

(e) Civil Society Organisations.

22. Since the previous review, the following measures have been put in place to strengthen these institutions:

- Re-instatement of the offence of Abuse of Office;
- Establishment of Integrity Committees in public institutions;
- Decentralisation of the Office of the Public Protector to the provinces and progressively to districts; and
- Strengthening of the Public Accounts Committee of the National Assembly.

23. Additionally, Zambia established the National Prosecution Authority (NPA) and decentralised the NPA to all provinces resulting in improved efficiency and effectiveness in the prosecution of crimes.

6. Theme A5: Human rights education, trainings and awareness raising

Continue efforts to ensure that human rights education is effectively included into the primary and secondary education curriculum

24. Human rights has been included in the school curriculum from primary to secondary levels of education. Further, Zambia has created an enabling environment for other stakeholders such as CSOs to undertake human rights education and awareness activities countrywide. The Government has continued to improve human rights education efforts by including human rights topics in the curriculum of the Defence and Security divisions of Government.

7. Theme A51: Human rights education – General

Human rights education and awareness – raising in the Government's plans, strategies and programmes

25. Zambia notes this recommendation and during the period under review, the Government continued to prioritise human rights education and awareness by formulating, revising and updating Government plans, strategies and programmes.

8. Theme B31: Equality and non-discrimination

Impartial investigation into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity

26. There are no restrictions under Zambian law towards the investigation and prosecution of crimes committed against a person. All allegations of attacks and threats against individuals, irrespective of the offence are required by law to be effected without discrimination of any kind.

9. Theme B71: Human rights and the environment

Strengthen the governance of natural resources to ensure, amongst others, their sustainable utilization

27. Zambia operationalised the Environmental Management Act No. 12 of 2011 which resulted into the formation of the Zambia Environmental Management Agency (ZEMA).

28. The Environmental Management Act provides a comprehensive legal framework for effective and sustainable environmental management. The Act mandates ZEMA, among other things, to provide advice on policy formulation and to make recommendations for the sustainable management of the environment. Under the 7NDP, Zambia has also prioritised governance of natural resources to ensure their sustainable utilisation.

29. Further, Article 253 (1)(d) and 255 of the Constitution of Zambia outlines principles for sustainable use of land; and management and development of Zambia's environment and natural resources, respectively.

10. Theme D23: Death penalty

Review legislation and establish a de jure moratorium with a view to abolishing the death penalty

30. Zambia subjected this recommendation to abolish the death penalty to the will of the people of Zambia through the 2011–2016 Constitutional Review Process. The death penalty was retained in the Constitution because the majority of the people resolved to retain the death penalty. Only nine (9) out of 72 districts voted for the abolition. Further, only one out of the 10 provinces voted to abolish the death penalty. Both the Sector and National Conventions in the Constitution Review Process voted to retain the death penalty.

31. In this regard, by virtue of the Zambian Constitution, any court of competent jurisdiction may impose the death penalty. Article 12(1) of the Constitution provides that "*a person shall not be deprived of his life intentionally except in execution of the sentence of a court in respect of a criminal offence under the law in force in Zambia of which he has been convicted.*" There are three offences which carry the death penalty, namely, Murder (Section 200 of the Penal Code), Aggravated Robbery (Section 294(2) of the Penal Code), and Treason (Section 43 of the Penal Code).

32. Despite having retained the death penalty in its laws, Zambia is a *'de facto abolitionist State.'* The last executions in Zambia were carried out in 1997, during the presidency of the late Dr. Frederick Titus Jacob Chiluba. Since then, successive Presidents have been reluctant to authorise any executions, as shown in Table 3.1.

Table 3.1: Status on Pardoning and Commutation of Prisoners to Life Imprisonment

President	*Date*	*Pardoned (Freed)*	*Commuted to life imprison*
Dr. Levy P. Mwanawasa	October, 2002	24	–
	July, 2007	–	97
	November, 2007	7	–
	December, 2008	–	20
Mr. Rupiah B. Banda	May, 2011	1	–
	June, 2011	–	26
Mr. Michael C. Sata	May, 2013	–	113
	December, 2013	1	10
Mr. Edgar C. Lungu	July, 2015	–	332

Source: Zambia Correctional Services, 2017

33. President Mr. Edger Chagwa Lungu commuted the sentences of 332 death-row prisoners to life imprisonment. Official records indicate that this number represented all death-row prisoners in Zambia at the time.

34. As at 31st August, 2017, there are 174 inmates on death row. However, only 13 out of 174 had completed internal appeal procedures and were eligible for commutation to life imprisonment.

35. In light of the foregoing, Zambia has had an official moratorium on the use of the death penalty for close to 20 years now.

36. Progressively, in October 2016, the Zambian Cabinet passed a resolution to support the United Nations Resolution to establish a Global Moratorium on the issue of the Death Penalty.

11. Theme D25: Prohibition of torture and cruel, inhuman or degrading treatment

Measure to ensure the effective implementation of CAT

37. The Constitution of Zambia under Article 15 prohibits torture. Currently, there is no law that defines torture. However, during the period under review, Zambia prepared the Anti-Torture Draft Bill and the Zambia Correctional Services Bill. The Anti-Torture Bill defines and criminalises torture while the Zambia Correctional Services Bill incorporates regional and international standards, specifically addressing issues of torture in correctional facilities.

12. Theme D26: Conditions of detention

Improve conditions in prisons and detention centres vis-à-vis their overcrowding, including inmates' access to food and hygiene

38. In its efforts to improve prison conditions and detention centres, Zambia has constructed new Correctional Centres throughout the country. During the period under review, between 2013 and 2016, a total of four (4) correctional facilities were constructed catering for over 1,050 inmates.

39. Furthermore, two (2) correctional facilities with holding capacities of 2000 each, are currently under construction.

40. Considering that most of the prisons were built in the colonial era, most lack acceptable health and sanitation standards such as proper ventilation. However, the Correctional Facilities are currently being renovated to provide proper water reticulation and sewer systems.

41. The Ministry of Health carries out regular health inspections to ensure that correctional facilities adhere to approved international standards. In addition, the Zambia Correctional Services has its own specialised staff in Environmental Health and Nutrition. Technologists advise the Correctional Services on matters related to general environment in which inmates live and recommends the closure of facilities that fall short of the set standards or contravenes the provisions of the Public Health Act.

Rehabilitation of prisoners

42. A Constitutional change from the previous Zambia Prisons Service (ZPS) to the Zambia Correctional Service (ZCS) has transformed the penal system from punitive to correctional.

43. In addition, the following activities have been introduced to promote rehabilitation of prisoners:

(a) Certifiable educational programmes to increase access to education by inmates;

(b) Skills training;

(c) Open air farming correctional facilities;

(d) Faith based activities; and

(e) NGO and Faith Based Organisation engagements.

13. Theme D27: Prohibition of slavery, trafficking

Cooperation with development partners in order to improve its financial and technical capacity to implement the anti-trafficking law

44. Zambia has engaged the International Organisation for Migration (IOM), the International Labour Organisation (ILO) and the United Nations Children's Fund (UNICEF) in the implementation of the following activities:

- Supporting activities that seek to change public attitudes to exploitative child work;
- Supporting improved data collection and reporting on trafficking and other offences against victims.
- Support to the implementation of the Government's Communication Strategy aimed at raising public awareness of the nature and dangers of human trafficking;
- Supporting training and capacity building of trade union officials, employers' representatives and labour inspectors;
- Support to the 990 toll-free Counter Trafficking Talkline, covering Zambia's 10 provinces, and operating 24 hours a day;
- Reinforcement of capacities for provision of appropriate services to meet the needs of victims of trafficking through a referral network of safe-houses, one-stop centres, and women's and children's shelters;
- Reinforcement of capacities of Law Enforcement Agencies and Civil Society Organisations to operationalise the Anti-Trafficking legislation; and
- Direct assistance to victims of trafficking, including the provision of safe and secure shelter, medical and psycho-social care, and repatriation and reintegration assistance.

Step up its efforts towards the full implementation of the Anti-Human Trafficking Act of 2008

45. The Anti-Human Trafficking Act is being implemented through the following:

(a) Development of a National Policy to Combat Human Trafficking;

(b) Inter-Ministerial National Steering Committee which works with non-state actors to achieve improved public awareness, and the provision of appropriate and accessible services to victims of trafficking;

(c) Anti-human trafficking Secretariat which coordinates activities of the National Steering Committee; and

(d) Monitoring trends of the Human Trafficking in Zambia.

46. The data from Monitoring activity is indicated in Table 3.2.

Table 3.2: Trends of Human Trafficking for the period 2012-2016

Year	*Reported*	*Taken to Court*	*Convicted*
2012	24	17	1
2013	164	82	32
2014	166	165	26
2015	13	12	6
2016	23	8	0

Source: Zambia Police Victim Support Unit, 2017

14. Theme D6: Rights related to name, identity, nationality

Access to free birth registration

47. In *Zambia*, birth registration is compulsory and is a legal requirement. However, the rate of birth registration in *Zambia* is low with a national prevalence of 23 percent. The proportion of children who do not have birth certificates is much higher in rural areas at 86.7 percent than in urban areas at 59.6 percent.

48. Several factors account for *Zambia*'s low birth registration rates. Among them is a highly centralised registration system, inadequate awareness of the legal provisions, low demand as a certificate is not always required for children to access basic services, fear of disclosure of personal information, and lack of penalties for non-registration of children.

49. The birth registration procedures in *Zambia* are free. However, *Zambia* still experiences low coverage of birth registration which presents critical vulnerability for children. In this regard, the following measures have been put in place:

(a) Boosting birth registration by decentralising the services to health facilities in line with Births and Deaths Registration, putting in place Statutory Instrument No. 44 of 2016, which provides for the certification of births at district level. To this effect, birth registration desks have been established in 222 health facilities in six (6) provinces. In these communities, parents access birth registration services for their children as part of a "health package" at birth or during their visits to a health facility for services such as immunisation. The goal is to reach at least 50 percent of the 2000 health care facilities by year 2020;

(b) Nation-wide awareness campaigns among the citizens on the importance of birth registration;

(c) Creation of sectoral platforms for stakeholders involved in national registration such as the involvement of traditional leaders and midwives in birth registration of children;

(d) Capacity development of the Department of National Registration, Passport and Citizenship through training and provision of computers and transport;

(e) Establishment of a National Strategy Action Plan (5-year plan) in collaboration with Cooperating Partners;

(f) The late registration fee was scraped under this Act; and

(g) Integrated National Registration System under the support of the Electoral Cycle in *Zambia*.

15. Theme E1: Economic, social and cultural rights – General measures of implementation

Provide adapted solutions to the problems identified in the rural areas

50. *Zambia* rolled out massive infrastructure development countrywide. These include roads and bridges, hospitals, schools, water reticulation systems and other support infrastructure thereby creating an enabling environment for socio-economic development.

51. During the period under review, the Government completed 490 health posts out of the 650; and a total of 158 secondary schools. With regard to roads, *Zambia* initiated a programme for improvement of a total of 13,422.9 km of primary feeder roads by 2024. By the end of 2016, a total of 3,358.90 km had been improved.

16. Theme 8.32: Right to just and favourable conditions of work

Continue to create just and favourable conditions of work

52. *Zambia* has continued to create just and favourable conditions of work by reviewing and formulating policies such as the National Employment and Labour Market Policy (NELMP) as well as the *Zambia* Decent Work Country Program (2013–2016). These are aimed at enhancing the functioning of labour markets to facilitate employment creation through approaches that combine promotion of employment and upholding of workers' rights. Emphasis is placed on working towards elimination of gross human rights violations, such as worst forms of child labour. *Zambia* is also currently conducting labour law reforms to introduce principles of equity, equality and confidentiality and personal privacy in employment and provide for the welfare of employees.

53. *Zambia*'s amendment of the Employment Act Chapter 268 of the Laws of *Zambia* in 2015 and the Minimum Wages and Conditions of Employment Act, Chapter 276 in 2011 and 2012, respectively strengthened the legislative framework on the protection of employers and workers' rights. For instance, among others, the amendment to the Employment Act bans casualization whilst the amendments to the Minimum Wages and Conditions of Employment Act provides a framework for the working conditions for disadvantaged workers including domestic workers who were not initially covered by the said legislation.

17. Theme 8.41: Right to health – General

Efforts to combat HIV/AIDS

54. *Zambia* has in place a Revised National HIV and AIDS Strategic Framework (R-NASF) 2014–2016 which guides efforts to combat HIV. Recently, *Zambia* launched a campaign for routine HIV testing, counselling and treatment in all public health institutions in response to the Government's agenda of ending HIV by 2030.

55. The Ministry of Health developed a National Health Strategic Plan (2011–2015) which includes efforts to combat various ailments including HIV/AIDS. The Government has also continued to support the operations of the National HIV/AIDS/STI/TB Council.

56. *Zambia* also carries out HIV awareness and education, particularly among young people. The awareness raising is aimed at encouraging people to have voluntary testing on their HIV status and receive appropriate counselling.

Remedy the lack of human resources in the area of health

57. In a continued effort to address staff shortages, in 2015, *Zambia* recruited health workers comprising nurses (203), doctors (144) and administrative officers (82). In 2016, a total of 1,422 health workers were recruited. Of this figure, the highest was Nurses (670) followed by Environmental Health Officers (256) and Midwives (196).

58. According to the World Health Organization, the normal doctor-patient ratio is 1 doctor per 5,000 patients but in *Zambia*, the doctor-patient ratio now stands at 1 doctor per 12,000 patients.

59. The internationally set Nurse – Patient ratio is 2.5 per 1,000 population. Zambia's current Nurse – Patient stands at 0.8 Nurse to a 1,000 population.

60. The remedy to address the human resources crisis that *Zambia* has relied on is training of more staff in health sector. In this regard, the newly established Copperbelt University School of Medicine, is producing 250 doctors and 50 dentists on an annual basis. In addition, Private Universities which offer training in medical studies contribute to

the newly recruited medical staff in various health facilities in Zambia. These efforts will help increase the number of medical personnel in Zambia, in addition to the number the University of Zambia, School of Medicine, is producing.

18. Theme E51: Right to education – General

Improve school infrastructure in rural areas

61. Zambia sets aside funds on the national budget to rehabilitate and construct more schools so that educational standards are taken to higher levels both in rural and urban areas. According to the Education Statistical Bulletin (2016), in 2015, a total of 9,115 classroom spaces were created. This increased to 10,113 in 2016. This resulted in an aggregate increase in enrolment by 7,316, thus 4,018,064 in 2015 to 4,025,380 in 2016.

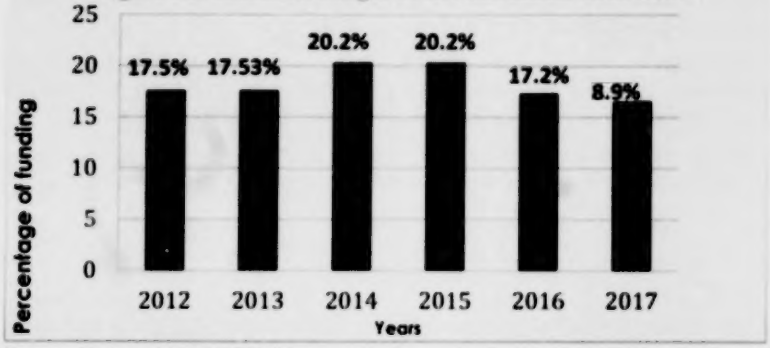
Strengthen efforts to broaden access to education

62. In order to broaden access to education, Zambia revised the Education for All National Policy and opened the door for more than 1.2 million additional learners. Zambia also endeavoured to honour the Dakar Declaration of 20% allocation to the Education Sector.

63. This target of 20% allocation to the Education Sector (Dakar Declaration) was met twice (in 2014 and 2015) during the period under review as shown in Figure 3.2 when Zambia allocated 20.2% of Budget to the Education Sector for each year.

64. However, in all other years, Zambia did not meet the 20% budgetary allocation target which was set in the Dakar Declaration. The allocation of 8.9% in 2017 was the lowest during the period under review.

Figure 3.2: Education Budget Sector Allocation: 2012-2017



Source: *National Budget (Zambia)*

19. Theme F12: Discrimination against women

Incorporate CEDAW into the national legislation

65. The Constitution (Amendment) Act No. 2 of 2016 establishes the Gender Equity and Equality Commission. According to Article 231 of the Constitution (Amendment) Act, the Gender Equity and Equality Commission will have offices in provinces and, progressively, in districts; and promote the attainment and mainstreaming of gender equality.

66. In addition, Zambia enacted the Gender Equity and Equality Act No. 22 of 2015, which domesticates CEDAW.

Measures to guarantee that statutory law prevails in case of conflict with customary practices, especially in family relations

67. Article 1 (1) of the Constitution of Zambia (Amendment) No. 2 of 2016 provides that:

> *"This Constitution is the supreme law of the Republic of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void to the extent of its inconsistency."*

68. Further, Section 12 (1) (a) of the Local Court Act, CAP 29 of the Laws of Zambia, which is mandated to administer Customary Law provides that: *"Subject to the provisions of this Act, a local court shall administer the African customary law applicable to any matter before it in so far as such law is not repugnant to natural justice or morality or incompatible with the provisions of any written law."*

69. These provisions guarantee that statutory law prevails in case of conflict with customary practices.

Special temporary measures in all areas where women are underrepresented

70. There have been affirmative measures to ensure representation of women in all areas. The Constitution of Zambia (Amendment) No. 2 of 2016 sets out a new affirmative framework for an equality rule for elective and appointive positions while recognising equal rights and the establishment of a Gender Equality Commission. To this effect, the law now states that the Government is obligated to *"take special measures aimed at achieving equality between women and men"*

71. In addition, the Gender Equality and Equity Act No. 22 of 2015 empowers the Minister responsible for gender affairs to put in place affirmative actions, with particular interest to women, in order to eliminate all barriers which prevent women from participating meaningfully in all spheres of undertakings. For instance, in a quest to promote gender equality in access to ownership of land, Zambia developed an affirmative policy which reserves 30 percent of all land on offer to women in line with the SADC Protocol on Gender and Development. In 2014, this was increased to 40 percent of all land allocation for women, while both men and women competed for the remaining 60%.

72. Table 3.3 shows that State Land offered to women increased from 25% in 2013 to 31% in 2015 and reduced by 1% in 2016.

Table 3.3: State Land Offers by Province and Sex, 2011-2013

	2013			*2015*			*2016*		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Offers	883	2,682	3,565	1,061	2,408	3,469	4,094	9,373	13,467
Percent	25	75		31	69		30	70	

Source: MLNREP, LIMS, 2014

20. Theme F13: Violence against women

Statistical data on convictions for reported incidents of rape and defilement

73. Table 3.4 shows statistical data regarding convictions for reported incidents of rape and defilement for the period 2012–2016.

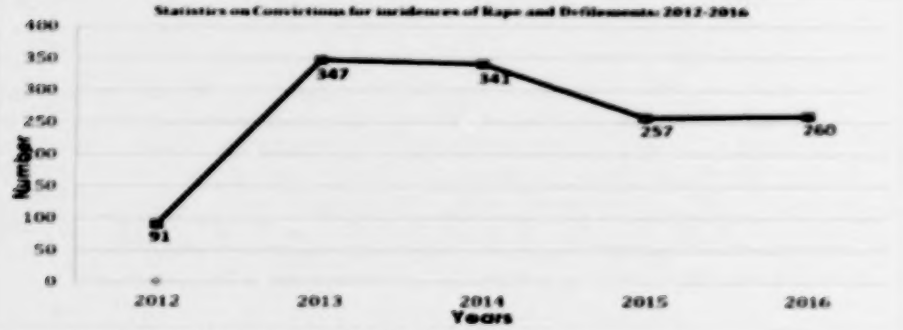
Table 3.4: Statistical Data on Convictions for reported incidents of rape and defilement

Offences	Convictions by year														
	2012			2013			2014			2015			2016		
	RPD	TC	CON	RPD	TC	CON	RPD	TC	CON	RPD	TC	CON	RPD	TC	CON
Defilement of a child	2,369	938	47	2,234	940	292	2,429	841	305	2,759	835	211	2,363	852	223
Attempted defilement	7	5	3	2	2	1	8	6	1	11	5	2	11	4	1
Rape	215	102	29	227	112	42	205	84	22	274	98	32	265	106	29
Attempted rape	29	17	7	41	20	7	41	27	10	58	20	8	45	21	3
Defilement of an idiot or imbecile	23	9	5	15	7	5	23	12	7	18	12	4	26	15	4
Total			**91**			**347**			**345**			**257**			**260**

Source: Zambia Police-Victim Support Unit, 2016

Key: RPD – Reported; TC – Taken to Court; Con – Convicted

Figure 3.3: Graphical Representation of Statistical Data on Convictions of Rape and Defilements



Source: Zambia Police-Victim Support Unit, 2016

74. The statistical data indicate that convictions for reported incidents of rape and defilement remained high during the period under review. The total figure of convictions in 2012 (baseline year for this report) was 91. This increased to 347 convictions in 2013. The trend continued with a slight drop to 341 convictions in 2014. Although in 2015, there was a drop to 257 convictions, the figure slightly increased to 260 convictions in 2016.

Steps to ensure effective implementation of the Anti-Gender-Based Violence Act

75. Zambia is undertaking a number of sensitisation programmes to enable members of the general public be aware of the provisions of the Anti-Gender–Based Violence Act. Further, in line with the provisions of the Act, Zambia has established three shelters for victims of GBV and has secured land for construction of two additional shelters; and One-Stop-Centre for providing comprehensive services of victims of GBV. Furthermore, in accordance with the Anti-Gender-Based Violence Act, victims of GBV have also continued to seek Relief Orders such as Protection Order and Occupation Orders.

Establish the Anti-Gender Based Violence Fund as provided for in the Act of 2011

76. Zambia has established the Anti-Gender-Based Violence Fund through the national budget allocation. The Fund provides for basic material support and any matter connected to counselling and rehabilitation of survivors of GBV.

Addressing high prevalence of violence against women and girls

77. Awareness of the rights provided under CEDAW has been enhanced though the enactment of Gender Equity and Equality Act No. 22 of 2015 to empower women and achieve gender equity and equality by giving effect to the CEDAW. The Government of the Republic of Zambia, in conjunction with the Civil Society Organizations undertook a number of awareness campaigns on the principles of CEDAW. The sensitisation programmes included routine planned activities under the Sixth and the Revised Sixth National Development Plan; consultation during the Mapping of Legislation on the CEDAW which culminated into the Gender Equity and Equality Act No. 22 of 2015. Other or programme based events such as "He for She campaign"; the 16 Days of Activism against Gender-Based Violence; and establishment of shelters for survivors of GBV contributed towards raising awareness on GBV to the general public.

78. In 2014, Zambia conducted a nationwide survey on violence against children. The purpose of the survey was to raise awareness on the prevalence of violence against children and factors attributed to violence against children. The information was disseminated to the stakeholders. Government is now in the process of implementing the findings of the survey.

79. Cooperating Partners supported the Ministry of Gender in implementing the "He for She" campaign through a Boys to Men Project, which aims at encouraging men and boys to be active participants in the fights against GBV.

80. Cooperating Partners have supported Zambia financially in developing and strengthening support systems that ensure survivors of violence are treated with dignity and respect and have access to the justice they deserve.

81. There has also been capacity building and sensitisation amongst members of Law Enforcement Agencies.

21. Theme F31: Children: definition; general principles; protection

Prohibit corporal punishment of children in all settings

82. Zambia has enacted legislation to protect children from abuse and torture. The Constitution prohibits torture, inhuman, degrading punishment or other like treatment as provided for under Articles 15 and 24 of the Constitution.

83. The Constitution of Zambia (Amendment) No. 2 of 2016 also prohibits corporal punishment in the home, schools and other institutions. Further, the Education and Prisons Acts, respectively, were amended to abolish corporal punishment as a form of discipline.

84. Zambia has also put in place monitoring units to protect children from abuse and torture. These include the Human Rights Commission, the Zambia Police Victim Support Unit, the Zambia Police Child Protection Unit and the Department of Social Welfare.

Efforts to promote awareness of the rights of the child

85. The Government, through responsible Ministries, Districts and Agencies (MDAs), has developed interventions to work with traditional leaders in the promotion of children's rights.

86. The Government has also translated the Convention on the Rights of a Child into seven media languages and incorporated civic education in the school curriculum.

87. Zambia has also established Child Protection Units, District Child Protections Committees, Children's Rights Clubs in schools, the use of traditional ceremonies, Parliamentary Caucus on Children under the National Assembly and District Child Labour Committees.

88. The involvement of traditional leaders in awareness raising of the rights of a child has been eased with the creation of the Ministry of Chiefs and Traditional Affairs. Some of these campaigns include: He for She; and Eradication of Early Child marriages. The recognition of traditional authority in the Constitution of Zambia (Amendment) No. 2 of 2016 and subsidiary legislation have facilitated the consolidation of this process.

Mainstreaming of the rights of women and children

89. Zambia launched the Seventh National Development Plan (7NDP) under the theme: ***"Accelerating development efforts towards vision 2030 without leaving anyone behind"*** which departs from the traditional sectoral-based planning to an integrated (multi-sectoral) approach.

90. Under this Plan, Zambia, will in line with SDG No. 1, implement nationally appropriate social protection systems to achieve substantial coverage of the poor and vulnerable. This will ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, and access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance. This is with a view to reduce social exclusion and enhance their productive capacities.

91. Poverty among female headed households is 78.9 percent compared to male headed households at 76.0 percent in 2015 (LCMS, 2015). In this regard, Zambia is supporting the marginalised women and girls, through the following programmes:

(a) Girls Education Women Empowerment and Livelihood Support Project which is targeting vulnerable households. The project is currently supporting 14,000 girls country-wide;

(b) The Women Empowerment and Livelihood Support component provides resources to extremely poor households which are disbursed through a Social Cash Transfer Scheme. This project is currently supporting 75,000 girls; and

(c) The Girl's Education component of the project which provides resources to girls in extremely poor households to pay school fees and purchase other school requisites with the aim of keeping them in school from grades eight to twelve.

22. Theme F33: Children: protection against exploitation

Measures to address the sexual abuse and exploitation of children

92. Zambia enacted the Anti-Gender-Based Violence Act No.1 of 2011 to provide for the protection of victims of gender based violence. According to the Act, the Ministry of Community Development and Social Welfare is mandated to engage in the following activities:

(a) Establish shelter of victims of GBV. Currently, one shelter is operational in Mansa. Another shelter is under construction at Kapiri Mposhi; and one shelter is being renovated in Chongwe. The Ministry of Community Development and Social Welfare has secured land for the construction of two more shelters in Chirundu and Sioma.

(b) Constitute the Anti-Gender-Based Violence Committees; establish the Anti-Gender Based Violence Fund; and provide for matters connected with, or incidental to, the foregoing.

93. Further, the Gender Equity and Equality Act No. 22 of 2015 of the Laws of Zambia establishes the Gender Equity and Equality Commission whose functions and powers, among others, is to, prohibit harassment, victimisation and harmful social, cultural and religious practices; provide for public awareness and training on issues of gender equity and equality; and provide for the elimination of all forms of discrimination against women.

94. Section 133 of the Penal Code (Amendment) Act No. 2 of 2011 has stiffened the penalty/punishment for the offence of rape by introducing a mandatory minimum sentence of 15 years and the offender may be liable to imprisonment for life.

95. Section 18 of the Education Act No. 23 of 2011 prohibits the marrying off of a learner who is a child; or preventing or stopping a learner who is a child from attending school for the purpose of marrying him or her off. Any person who contravenes this provision is liable upon conviction to a period of not less than 15 years and may be liable to imprisonment for life. This provision protects a learner from marrying or being married off at a tender age.

96. In 2014, Zambia revised the National Gender Policy of 2000 which seeks to address the following limitations: limited understanding of gender mainstreaming in institutions; inadequate monitoring and evaluation framework; inadequate policy implementation framework; and limited coordination between ministries.

97. The GRZ-UN Joint Programme on Gender-Based Violence has the overall objective of establishing an integrated and multi-sectoral mechanism for the implementation of the Anti-GBV Act. Under this programme, Zambia has been training officers, monitoring, and introduced victim friendly administrative measures. Further, the Zambia Police Service has acquired a DNA Analysis machine for the effective investigation of crimes including GBV and sexual offences. Fast Track Courts were introduced to expedite GBV related cases.

Measures to eliminate the practice of child labour exploitation

98. Zambia has put in place legislative measures and plans aimed at protecting children from economic exploitation including child labour. The Anti-Human Trafficking Act, the National Child Labour Policy and the National Child Policy all place priority on the protection of children; and formulation of a Plan of Action for Children.

99. The Employment of Young Persons Act, Chapter 274 of the Laws of Zambia prohibits the employment of children below the age of 15 in accordance with the ILO Convention 138 and outlines guidelines for the employment of children. The Act also domesticates the ILO Convention 182 on the worst forms of child labour. In order to address the challenges associated with Child Labour, Zambia has also introduced bursaries schemes, social protection and empowerment programmes for caregivers of vulnerable families. In 2013, Zambia enacted Statutory Instrument No. 121 of 2013 to prohibit employment of young persons in any type of hazardous labour.

23. Theme F34: Children: Juvenile justice

Update at its mid-term review on the number of detention centres in the country containing separate facilities for juvenile offenders

100. As at 31st August 2017, there were 304 male and one (1) female juvenile convicts; and 293 male juvenile and 10 female juvenile remandees across the country in correctional facilities.

101. In order to solve the problem of mixing juvenile offenders with adults, Zambia has apportioned separate centres for juvenile offenders, with holding capacities of 300 each at two of the correctional facilities.

102. However, currently, Zambia has three correctional facilities with separate holding cells for juvenile offenders. These are Kamwala Correctional Facility with a holding capacity of 100 juvenile offenders; Kansenji Correctional Facility with a holding capacity of 50 juvenile offenders; and Kabwe Medium Correctional Facility with a holding capacity of 50 juvenile offenders.

103. Zambia also has two Reformatory Schools. The two schools have been serving as detention centres for juveniles who have Confirmation Orders issued by the High Court. The schools have been providing education facilities for all incarcerated juveniles.

Definition of a minor in the Convention on the Rights of the Child (CRC)

104. Zambia has defined a Minor (Child) under the Constitution of Zambia (Amendment) No. 2 of 2016. Article 266 of the Constitution provides that: *"child means a person who has attained, or is below, the age of eighteen years"*.

24. Theme F41: Persons with disabilities: definition, general principles

Measures to eliminate all discriminatory treatment towards persons with disabilities

105. In 2012, Zambia enacted the Persons with Disabilities Act No. 6 of 2012, which domesticates the Convention on the Rights of Persons with Disabilities. The Act promotes respect for the inherent dignity of persons with disabilities and ensures the equal enjoyment of human rights and freedoms by persons with disabilities. The Act also contains progressive provisions to ensure that persons with disabilities are accorded the necessary and appropriate assistance and reasonable accommodation when they come in contact with law enforcement officers during arrest, detention or trial.

25. Theme G5: Refugees and asylum seekers

Incorporate the principle of non-refoulement into the refugees law

106. Zambia incorporated the principle of non-refoulement under the Refugees Act No. 1 of 2017. According to section 23 (1), a person shall not be refused entry into Zambia or be expelled, extradited or returned from Zambia to another country if that refusal, expulsion or return would compel that person to return to or remain in a country where:

(a) that person may be subjected to persecution on account of that person's race, religion, nationality, membership of a particular social group or political opinion; or

(b) that person's life, physical well-being or liberty is threatened by external aggression, occupation, foreign domination or event seriously disrupting public order in part or the whole of that country.

B. Partial implementation of recommendations

1. Theme A24: Cooperation with special procedures

Invitation to Special Rapporteurs

107. There are no restrictions under Zambian laws towards the acceptance of visitations by United Nations special mandate holders. The Government has never declined a request for visitation by any United Nations special mandate holders.

2. Theme A45: National Human Rights Institution (NHRI)

Provide sufficient funding for the National Human Rights Institution

108. During the period under review, Zambia did not manage to sufficiently fund the Human Rights Commission for its operations (Non-Personal Emoluments) due to other national competing needs. The highest percentage of funding the institution received was 89% and 79% in 2014 and 2016, respectively. In 2013 and 2015, the funding that the institution received, was below 65%. Table 3.5 reflects the budgetary allocations from the Government of the Republic of Zambia to the Human Rights Commission for the period 2013 to 2016.

Table 3.5: Budgetary Allocations and Releases for HRC for the Period January 2013 to December 2016

Year	*Sub-item*	*Budget (ZMK)*	*Released (ZMK)*	*% released*
2013	Non-Personal Emoluments	4,430,250.48	2,738,827.00	61.8
2014	Non-Personal Emoluments	4,652,939.00	4,141,141.50	89.0
2015	Non-Personal Emoluments	4,563,162.00	2,856,492.00	62.6
2016	Non-Personal Emoluments	1,817,278.00	1,440,416.34	79.0

Source: Human Rights Commission, 2017

3. Theme F34: Children: Juvenile justice

Increase the legal age of majority of criminal responsibility

109. Zambia is yet to revise the legal age of majority of criminal responsibility to ensure full protection of the youth who may come into conflict with law.

C. Pending recommendations

1. Theme A12: Acceptance of international norms

Alignment of its national legislation with all obligations under the Rome Statute of the International Criminal Court

110. Zambia has ratified the Rome Statute of the International Criminal Court. Zambia has not domesticated the Rome Statute. However, countrywide consultations were held in March 2017 in an effort to raise awareness on the role of the International Criminal Court to the general public. Zambia remains committed to upholding the provisions of the Rome Statute and it is expected that once legislative mapping is conducted to establish the relevant domestic legislative framework which would support the domestication of the Rome Statute, positive steps will be made towards domestication.

Ratify OP – CEDAW

111. Zambia has not ratified OP-CEDAW.

Status on the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers

112. Zambia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers. However, Zambia has commenced the process of formulating the Labour Migration Policy to administer the protection of migrant workers.

Status on the Ratification of the third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC)

113. Zambia has not ratified OPIC.

2. Theme A27: Follow-up to Universal Periodic Review (UPR)

Mid-term update on the implementation of the recommendations of this UPR

114. Zambia has not had an Action Plan to guide the implementation of the UPR recommendations. In this regard, there was no mid-term update on the progress made on the implementation of the recommendations of UPR. However, under the 7NDP, Zambia is initiating a template for an Action Plan which will outline a roadmap for implementation of the recommendations of UPR and outline a schedule for mid-term reporting.

3. Theme A21: National mechanisms for reporting and follow-up

Investment on coordination and implementation of the different recommendations by treaty bodies

115. This recommendation was not attended to during the period under review. However, Zambia has enacted the Ratification of International Agreements which has enabled the decentralisation of State party reporting to the institutions responsible for the specific subject matters outlined in the various treaties to which Zambia is a State party.

Cooperation and coordination among the various institutions for implementation of the recommendations of the UPR mechanism

116. There is moderate cooperation and coordination among three key stakeholders, namely, Government, Civil Society Organisations and Human Rights Commission. However, the coordination needs to be strengthened. The three stakeholders undertook learning tours to Uganda and Nigeria to learn from best practices for implementation of the UPR at national level.

D. Noted recommendations

1. Theme A12: Acceptance of international norms

Status on the ratification of the remaining international human rights instruments and their implementation and follow up on them

117. Zambia is not a party to the following treaties:

(a) Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR);

(b) Optional Protocol to the Convention Against Torture (OP-CAT);

(c) Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict (OP-CRC-AC); and

(d) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC).

118. Zambia is still assessing modalities for managing the implementation of these treaties prior to being a party to them.

2. Theme A41: Constitutional and legislative framework

119. Among the noted recommendations, there has been no immediate action that Zambia has taken on the following:

(a) Decriminalisation of the same-sex relationships; and

(b) Recognize marital rape as a criminal offence.

E. New and emerging issues

1. Theme A42: Institutions and policies – General

Business and human rights

120. Zambia is predominantly an extractive industry-driven economy and in the last few years, the extractive sector has attracted tremendous foreign direct investments (FDI) while small scale mining and other locally owned companies have remained largely informal. The Government enacted the Mines and Minerals Act No. 11 of 2015; the Environmental Management Act No. 11 of 2011; the Zambia Development Agency (Amendment) Act No. 15 of 2012 and Lands (Amendment) Act No. 20 of 2015 and other administrative measures to ensure protection of human rights in business.

121. Another emerging issue related to environmental impacts is lead poisoning in mining. Zambia has put in place remedial measures through cooperation with mining companies and residents in close proximity to mining areas.

122. Zambia is committed to developing a National Action Plan in order to facilitate the enactment of laws and policies which require revision in efforts to strengthen protection of human rights in business. Zambia is also conducting an assessment on the domestication of the UN Guiding Principles on Business and Human Rights.

2. Theme D44: Right to peaceful assembly

Political violence

123. The political dispensation across the nation witnessed increasing intolerance of divergent views which led to violence. The violence took many forms, from assaults to clashes between cadres who were affiliated to different political parties. In order to address the emerging culture of political violence, Zambia, in October 2016, appointed the Commission of Inquiry on Voting Patterns and Electoral Violence to inquire into the voting patterns between 2006 and 2016 and to ascertain the causes of these patterns; as well as to examine to what extent the pre-election political violence could have influenced the voting patterns in the 11th August, 2016 general elections.

3. Theme E41: Right to health – General

Access to sexual and reproductive health and services

124. Zambia has made significant progress in the provision of family planning services with the prevalence rate estimated at 33% and 45% in 2007 and 2013, respectively. However, the promotion of access to sexual and reproductive health and services has faced some notable financing challenges resulting in restricted service provision. Zambia is in the process of drafting a Health Care Financing Strategy to address issues of resource mobilisation, allocation for sexual and reproductive health and services.

Maternal mortality

125. Zambia has made progress in reducing maternal mortality from 591 deaths per 100,000 live births in 2007 to 398 deaths per 100,000 live births in 2014. Maternal mortality is still high in absolute terms, and Zambia was not able to achieve the MDG target of 162 deaths per 100,000 live births by end of 2015.

F. Status of implementation of voluntary pledges

1. Theme F33: Children: protection against exploitation

Child marriage

126. Child marriage refers to a formal or informal union, including religious or customary marriage involving anyone younger than 18 years. Zambia has one of the highest rates of child marriage in the world, with a reported national prevalence of 31.4 percent (2013–2014 ZDHS).

127. Child marriage constitutes a grave violation of the children's rights and threatens their health, education and future prospects. It is often attributed to poverty, limited access to education, and orphanhood.

128. Child marriage can lead to forced sex, early pregnancy and childbirth-related complications such as preterm delivery, low birth weight babies and vaginal fistula. Marriage at a young age often means an end to education. Girls, once married, have little or no opportunity to access sexual and reproductive health services.

129. In order to address the challenges associated with child marriage, Zambia has developed a National Strategy with the overall objective to reduce child marriage by 40% by 2021.

2. Theme D43: Freedom of opinion and expression

Freedom of expression and that of the media and journalists

130. In 2012, the Government of the Republic of Zambia made a voluntary pledge to table the Freedom of Information Bill before Parliament for enactment into law.

131. At the time, the freedom and independence of the media in Zambia was anchored on the Independent Broadcasting Authority (IBA) which was established through an Act of Parliament No. 17 of 2002 and amended through the IBA (Amendment) Act No. 26 of 2010.

132. During the period under review, the proposed Freedom of Information Bill was prepared. The Bill will be enacted into law once all mechanisms are put in place for its effective implementation.

3. Theme D44: Right to peaceful assembly

Legislative changes on the Public Order Act, to ensure the fullest possible freedoms of association and expression

133. The Government of the Republic of Zambia is consulting stakeholders on how best the Public Order Act can be amended to accommodate interest groups. The Government invited the general public to make submissions on proposed amendments to the Public Order Act. The consultations are on-going and so far reveal that the challenge exists in the

implementation of the provisions of the Public Order Act rather than in the substantive provisions of the Act.

G. Challenges which would require the support of the international community

1. Theme A27: Follow-up to Universal Periodic Review (UPR)

Coordination of the UPR activities

134. Zambia's challenge in the coordination of UPR activities is the absence of strong inter-ministerial and stakeholder UPR coordination mechanisms and an implementation plan.

135. The Ministry of Justice, which is the focal point Government institution on UPR and related matters, has had challenges in mobilising required resources to effectively coordinate efforts across the line Ministries, Government Departments and Agencies responsible for implementation of recommendations and reporting.

Monitoring and evaluation framework on human rights

136. Zambia has no Monitoring and Evaluation Framework on human rights. Once an inter-ministerial and stakeholder UPR coordination mechanism is established, the structure will also take the lead in monitoring and storage of human rights data for easy retrieval. This undertaking will, therefore, require the support of the international community during its initial stages.

2. Theme E41: Right to health – General

Combating of different ailments and maternal mortality

137. Despite efforts to increase health facilities, Zambia still faces challenges to combat different ailments and maternal mortality due to insignificant number of specialised health workers. There is need to invest in training facilities to train doctors in different specialised areas.

3. Theme A45: National Human Rights Institution (NHRI)

138. Under the Constitution of Zambia (Amendment) Act, the Human Rights Commission and the Office of the Public Protector are required to decentralise to all provinces and, progressively, to districts. The two institutions will also require capacity building to enable them operate smoothly.

139. Further, the Human Rights Commission intends to mainstream the UN Guiding Principles on Business and Human Rights; and sensitise members of the general public on human rights. Sensitisation is expected to be a continuous process and the Human Rights Commission has had several logistical challenges to undertake this obligation.

Conclusion

140. Zambia made progress to protect and promote human rights. The Constitution of Zambia (Amendment) Act has progressively established key institutions which effectively facilitate Zambia's compliance with its obligations under various human rights instruments. Institutions such as the Ministry of Gender; the Constitutional Court, the Court of Appeal and the Family Court; the Police Public Complaints Commission (PPCC); and the Judicial

Complaints Commission (HCC), the Gender Equity and Equality Commission provide a firm basis for the implementation of human rights obligations.

141. The failure of the referendum which was intended to enhance the Bill of Rights was a drawback during the period under review. However, under the Seventh National Development Plan, Zambia has set out to adopt the enhanced Bill of Rights and review legislation with the aim to ensure effective protection and promotion of human rights.

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